

Emma Bruden, OSB #163525
Kampmeier & Knutsen PLLC
1300 SE Stark Street, Suite 202
Portland, Oregon 97214
Telephone: (503) 719-5641
Email: emma@kampmeierknutsen.com

Mariah Harrod, WSBA #60585
Admitted pro hac vice
Kampmeier & Knutsen PLLC
705 Second Avenue, Suite 901
Seattle, Washington 98104
Telephone: (206) 739-5184
Email: mariah@kampmeierknutsen.com

Attorneys for Plaintiff Northwest Environmental Advocates

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

NORTHWEST ENVIRONMENTAL
ADVOCATES, an Oregon non-profit
corporation,

Plaintiff,

v.

BONNEVILLE POWER
ADMINISTRATION, an agency of the
United States of America,

Defendant.

Case No. 3:23-cv-00898

STIPULATION OF SETTLEMENT
AND **[PROPOSED]** ORDER

STIPULATION OF SETTLEMENT

The parties to this case, Plaintiff Northwest Environmental Advocates and Defendant Bonneville Power Administration (collectively, “the parties”), by and through their respective counsel, hereby stipulate and agree as follows:

1. Plaintiff filed a complaint against Defendant in the United States District Court for the District of Oregon, *Northwest Environmental Advocates v. Bonneville Power Administration*; Case No.3:23-cv-008998-JR. Plaintiff alleged Defendant violated the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. Plaintiff is satisfied that Defendant has adequately searched for and produced all documents responsive to the requests made under FOIA that are the subject of this litigation.

3. The Parties agree to compromise, resolve, and discharge all FOIA claims and all FOIA disputes in the above-captioned action based on the terms and conditions set forth herein.

4. This Stipulation of Settlement shall become effective upon entry as an Order of the Court.

5. Defendant shall pay Plaintiff NINETEEN THOUSAND DOLLARS AND NO CENTS (\$19,000.00) (the Agreed Sum) within 30 days after this settlement is entered as an order of the Court. Plaintiff shall provide Defendant all requested information necessary for payment processing promptly after this settlement is entered as an order of the Court. Defendant shall begin processing payment within 10 days of receipt of payment information from Plaintiff.

6. Plaintiff agrees that payment of the Agreed Sum by Defendant will constitute full and final settlement of all claims for attorney fees, expenses, and costs arising from this action.

7. The Parties are entering into this Agreement to resolve disputed attorney fees and costs in this action and this Agreement is not an admission of liability, not an admission of fault,

and not an admission of unlawful conduct by Defendant. The Agreement cannot be used in any future actions to establish reasonable attorney fees.

8. This Agreement shall be enforceable between Defendant and Plaintiff.

9. This Agreement sets forth the complete terms of the settlement between the Parties. There are no other representations or promises made by either party other than those set forth in this Agreement.

10. The Parties agree that the district court shall retain jurisdiction over this matter to enforce the terms of the Agreement.

11. The Parties agree that payment of the Agreed Sum shall be made by electronic or wire transfer to a financial institution and account designated by Plaintiff.

12. If this Agreement is executed in counterparts, they shall be deemed to be one document.

13. Upon entry of this settlement as an order of the Court, Plaintiff's claims in this action are dismissed with prejudice.

14. The parties request that the Court enter this Stipulation of Settlement as an Order and that it retain jurisdiction to enforce the terms of this agreement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375 (1994).

[PROPOSED] ORDER

IT IS SO ORDERED.

DATED this ____ day of _____ 2023.

Honorable Judge Jolie A. Russo
United States Magistrate Judge

SO STIPULATED AND RESPECTFULLY SUBMITTED this 5th day of October 2023.

KAMPMEIER & KNUTSEN, PLLC

KAMPMEIER & KNUTSEN, PLLC

By: s/ Emma Bruden
Emma Bruden, OSB #163525
1300 SE Stark Street, Suite 202
Portland, Oregon 97214
Telephone: (503) 719-5641
Email: emma@kampmeierknutsen.com

Mariah Harrod, WSBA #60585
705 Second Avenue, Suite 901
Seattle, Washington 98104
Telephone: (206) 739-5184
Email: mariah@kampmeierknutsen.com

Attorneys for Plaintiff Northwest Environmental Advocates

Natalie K. Wight, OSB #035576
United States Attorney
District of Oregon

By: s/ Alison Milne
Alison Milne, WSBA #40845
Assistant United States Attorney
U.S. Attorney's Office
1000 SW Third Avenue, Suite 600
Portland, Oregon 97204-2936
Phone: 503.727.1100
Email: alison.milne@usdoj.gov

Attorneys for Defendant Bonneville Power Administration